



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 11

HOECHST MARION ROUSSEL INC
2110 EAST GALBRAITH ROAD
P O BOX 15300
CINCINNATI OH 45215-6300

COPY MAILED

MAR 14 2002

In re Application of	:	OFFICE OF PETITIONS
Sai P. Sunkara	:	
Application No. 09/160,977	:	DECISION ON PETITION
Filed: September 25, 1998	:	
Attorney Docket No. M01660J	:	
Title: METHOD OF TREATING CANCER	:	
BY CONJUNCTIVE THERAPY WITH 2'-	:	
HALOMETHYLIDENE DERIVATIVES AND	:	
A S-PHASE OR M-PHASE SPECIFIC	:	
ANTINEOPLASTIC AGENT	:	

This is a decision on the petition filed on November 21, 2001, pursuant to 37 C.F.R. §1.181(a), and in the alternative, a petition to revive under 37 CFR §1.137(b).

The petition under 37 CFR §1.137(b) is **DISMISSED AS MOOT**.

The petition under 37 C.F.R. §1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to submit a proper reply to the non-final Office Action, mailed May 24, 2000, which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 25, 2000. A Notice of Abandonment was mailed on November 30, 2000.

Petitioner submits that a proper reply was not submitted due to the fact that the non-final rejection was never received, and petitions the Office to withdraw the holding of abandonment. Along with the petition under 37 C.F.R. §1.181(a), the petitioner has submitted a declaration from Robin J. Inman, the paralegal docket clerk who handles the receipt of all mail from the PTO, as well as a copy of the docket report.

In his petition, petitioner states "a thorough search of the internal docket records and the file jacket for the above-identified patent application did not locate the Office Action dated May 24, 2000 or any indication that it was ever received by Applicant or its undersigned attorney". Furthermore, the instant application is not listed on the supplied copy of the Docket Report.

For these reasons, it is decided that the Office Action of May 24, 2000 was never received by Petitioner.

In view thereof, the petition under 37 CFR §1.181(a) is GRANTED¹. The holding of abandonment is hereby WITHDRAWN.

The Continued Prosecution Application (CPA) filed on November 21, 2001, has been entered and made of record.

A copy of the Office Action of May 24, 2000 is included with the instant decision.

The application is being forwarded to Technology Center 1600 for processing of the CPA.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Paul Shanoski
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ As the petition under 37 CFR §1.181(a) has been granted, the petition under 37 CFR §1.137(b) is unnecessary, and the corresponding fee has not been charged to petitioner's Deposit Account.